

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TRAVIS TORGERSON,

Plaintiff,

v.

C. GREGORY, et al.,

Defendants.

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Case No. 6:19-cv-514-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


Plaintiff Travis Torgerson, proceeding pro se, filed this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On December 2, 2020, Judge Love issued a Report recommending that the Court grant Defendant the City of Malakoff's motion for summary judgment and deny as moot the City's motion to dismiss. Docket No. 69. A copy of the Report was mailed to Plaintiff and was delivered on December 16, 2020. Docket No. 70.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not object in the

prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 69) as the findings of this Court. The Court **GRANTS** the City of Malakoff's motion for summary judgment (Docket No. 54) and **DISMISSES** Plaintiff's claims against the City with prejudice. The City of Malakoff's motion to dismiss (Docket No. 40) is **DENIED** as moot. This dismissal does not affect Plaintiff's remaining claims against Defendants Charles Gregory or Brett Southard.

So **ORDERED** and **SIGNED** this **25th** day of **January, 2021**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE